

# Out-of-State Group Home Placement for Dependents and Wards\*

## OUT-OF-STATE PLACEMENT REQUIREMENTS

### I. Pre-Placement Requirements

1. The case plan must:
  - a. Document compliance with Fam. Code § 7911.1 and, for wards, with WIC § 721.1. (WIC §§ 706.6(g)(2) and 11402(h))
  - b. Include documentation of the assessment and placement recommendation of the multidisciplinary team. (WIC § 706.6(g)(2); MPP 31-066.5)
  - c. Describe what in-state program or facilities were used or considered and why they were not recommended. (WIC §§ 361.21(a)(3) and 706.6(g)(2); MPP 31-066.5)
2. The county multidisciplinary team must:
  - a. Prepare an assessment and placement recommendation prior to placement in an out-of-state group home. (Fam. Code § 7911.1(d); MPP 31-066.1, 31-066.4 and 45-201.44)
  - b. Consist of members from county social services, county mental health, county probation, county superintendents of schools, and other members as determined by the county. (Fam. Code § 7911.1(f)(1); MPP 31-066.2 and 45-101(m)(1))
  - c. Consist of individuals with knowledge or experience in the prevention, identification, and treatment of child abuse and neglect that are qualified to recommend a broad range of services related to child abuse or neglect. (Fam. Code § 7911.1(f)(2))

### II. Required Court Findings

- A court may place a dependent or ward in out-of-state placement only after making findings that all of the following requirements have been met (WIC §§ 361.21(a) and 727.1(b); MPP 45-302.25):
- a. In-state facilities or programs have been determined to be unavailable or inadequate to meet the child's needs.
  - b. The out-of-state facility or program is licensed or certified for the placement of children by an agency of the state in which the child will be placed.
  - c. The requirements of Family Code § 7911.1 are met.

### III. Review Requirements

1. The court must review each of these placements for compliance with the requirements of WIC §§ 361.21(a) and 727.1(a) at least once every six months. (WIC §§ 361.21(b) and 727.1(d); MPP 45-302.25)
2. At each review hearing, the court must consider whether the out-of-state placement continues to be the most appropriate placement and in the best interests of the child. (WIC §§ 366(a)(1) and 727.2(e); MPP 45-101(p)(1)(D) and 45-302.251(b))
3. The child's placement in an out-of-state group home cannot continue unless that home is in compliance with Family Code § 7911.1 (WIC §§ 366(d) and 727.1(e); MPP 45-101(p)(1)(E) and 45-302.251(a)(2))

### IV. Visitation Requirement

Every child placed in a group home, including an out-of-state group home, must be visited at least monthly by a social worker or probation officer from the placing county. (WIC § 16516.5(a); MPP 45-201.414)

### OUT-OF-STATE PROGRAMS NOT IN COMPLIANCE (For Wards Only)

1. If the out-of-state facility or program is not in compliance with the standards required by WIC § 727.1(a)(2) or has an adverse impact on the health and safety of a ward, that child may be temporarily removed from the facility or program. (WIC § 727.1(b))
2. If the probation officer removes the child, he or she must promptly:
  - a. Inform the court of the removal;
  - b. Return the child to the court for a hearing to review the suitability of continued out-of-state placement;
  - c. Notify the State Department of Social Services' Compact Administrator within one business day of removing the child; and
  - d. Submit a written report of the findings and actions taken to the Compact Administrator within five working days. (WIC § 727.1(b))

### PUBLIC FUNDS

- No public funds may be received or expended for a child placed in an out-of-state group home if:
- a. The placement failed to obtain or maintain its certification, as required by Fam. Code § 7911.1(c). (Fam. Code § 7911.1(e))
  - b. The requirements of Fam. Code § 7911.1, MPP 45-302.251, and WIC § 361.21(a) and (b) (for dependents) or § 727.1(b) and (d) (for delinquents) are not met. (WIC §§ 361.21(c) and 727.1(e); MPP 45-302.251)

## **RIGHTS OF CHILDREN IN OUT-OF-STATE PLACEMENTS**

Children placed in out-of-state group homes shall be accorded the same personal rights and safeguards of a child placed in a California group home. (Fam. Code § 7912(a); MPP 45-202.517(a) and 45-203.417(a); See also 22 Cal. Code of Regulations § 80072)

## **STATE DEPARTMENT OF SOCIAL SERVICES RESPONSIBILITIES**

1. The California State Department of Social Services (CDSS) has the authority to:
  - a. Require an assessment and placement recommendation by a county multidisciplinary team prior to a child being placed out-of-state.
  - b. Investigate allegations of abuse or neglect of children placed out-of-state.
  - c. Ensure that out-of-state group homes accepting California children meet all California group home licensing standards. (Fam. Code § 7911(b))
2. CDSS, or its designee, must:
  - a. Investigate any threat to the health and safety of children placed in out-of-state group homes, including interviewing children and staff privately and reviewing files, as necessary. (Fam. Code § 7911.1(a))
  - b. Require certified out-of-state group homes to comply with the reporting requirements applicable to group homes licensed in California for each child in care regardless of whether he or she is a California placement, by submitting a copy of the required reports to the Compact Administrator within regulatory time frames. The Compact Administrator, within one business day of receiving a serious events report, must verbally notify the appropriate placement agencies and within five working days of receiving a written report must forward a copy of the written report to the appropriate placement agencies. (Fam. Code § 7911.1(a))
  - c. Ensure that any contract, memorandum of understanding or agreement entered into, with a public or private agency in the receiving state, pursuant to art. 5, paragraph (b) of the Interstate Compact on the Placement of Children (Fam. Code § 7901(5)(b)) shall include the language in Fam. Code § 7911.1(a). (Fam. Code § 7911.1(b))
  - d. Perform initial and continuing inspection of out-of-state group homes to either certify that each facility meets all licensure standards required for California group homes or that a waiver to a specific licensing standard has been granted upon a finding that no adverse impact to health and safety exists. Any failure by a facility to make children or staff available to be interviewed, or to make files available for review as required by Fam. Code § 7911.1(a), will be grounds to deny or discontinue certification. Certifications of out-of-state facilities must be reviewed annually.
3. CDSS may deny, suspend, or discontinue the certification of an out-of-state group home if CDSS makes a finding that the group home is not operating in compliance with the requirements of Fam. Code § 7911.1(c). (Fam. Code § 7911.1(g)(1))
4. The Compact Administrator may temporarily suspend any new placements in an out-of-state group home, for a period not to exceed 100 days, pending the completion of an investigation, pursuant to Fam. Code § 7911.1(a), regarding a threat to the health and safety of children in care. During any suspension period CDSS or its designee shall have staff daily onsite at the out-of-state group home. (Fam. Code § 7912(b))

## **MISCELLANEOUS REQUIREMENTS**

1. Any judicial proceeding to contest CDSS's determination of the status of an out-of-state group home's certification must be held in California, pursuant to CCP § 1085. (Fam. Code § 7911.1(g)(2))
2. Family Code § 7911.1 shall not impact placements relating to seriously emotionally disturbed children, made pursuant to Government Code, Title I, Division 7, Chapter 26.5 (commencing with § 7570). (Fam. Code § 7911.1(h))

## **For more information, please contact:**

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\*Key to citations used in this chart:

CCP: California Code of Civil Procedure, available at: [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

Fam. Code: California Family Code, available at: [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)

MPP: California Child Welfare Services, Manual of Policies and Procedures, available at [www.dss.cahwnet.gov/ord/CDSSManual\\_240.htm](http://www.dss.cahwnet.gov/ord/CDSSManual_240.htm)

WIC: California Welfare and Institutions Code, available at: [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html)